

SAN FRANCISCO'S RESPONSE TO DOMESTIC VIOLENCE

THE CHARAN INVESTIGATION 1991

INSTITUTE OF GOVERNMENTAL
STUDIES LIBRARY
NOV 6 1991
UNIVERSITY OF CALIFORNIA

Report by the
**Commission on the Status of Women
City and County of San Francisco**



Digitized by the Internet Archive
in 2024 with funding from
State of California and California State Library

<https://archive.org/details/C124903984>

92 80301

*Timely and meaningful
intervention can mean the
difference between life and
death for battered women*

This report is dedicated in memory of Veena Charan and to all battered women who have lost their lives; and to a renewed commitment and challenge by San Francisco's community to improve the system's response to battered women and their children.

COMISSION ON THE STATUS OF WOMEN

Commission Members

Leni Marin

Chairperson

Linda Mjellem

Vice-Chairperson

Shirley Black

Carmen Herrera

Caryl Ito

Molly Martin

Ahimsa Sumchai

INSTITUTE OF GOVERNMENTAL
STUDIES LIBRARY
NOV 6 1991
UNIVERSITY OF CALIFORNIA

Commission Staff

Sharon Johnson

Executive Director

Judith Klain

Administrator, Economic and Employment

Leatrice Miyashiro

Executive Secretary

Rosario Navarrette

Administrator, Domestic Violence Programs



October 1991

The death of Veena Charan is more than a personal tragedy. It is also a reminder that our courts, social service agencies and law enforcement organizations have a responsibility to protect battered women from escalating domestic violence.

With this in mind, I was gratified to learn last spring that the Commission on the Status of Women was undertaking a thorough examination of Veena Charan's murder, and particularly, a review of the policies and procedures of city agencies in domestic violence cases.

The report you are holding is the result of thousands of hours of work over a period of more than a year. Its analysis and recommendations pave the way for a more coordinated and effective city response--and give hope to battered women that they will be supported and protected when they come forward.

I am hereby approving the recommendation of the investigative committee that an ongoing Implementation Task Force be named to ensure that these recommendations are taken to heart throughout our city government.

Also, I'd like to express my personal appreciation to the Domestic Violence Consortium for raising these issues, to the Commission on the Status of Women for pursuing them, and to the department heads and agency workers whose cooperation has made this a meaningful and productive investigation.

Sincerely,

A handwritten signature in black ink, appearing to read "Art Agnos".

ART AGNOS

DOMESTIC VIOLENCE COMMITTEE MEMBERS

Alison Costa

La Casa de las Madres

Karen Elcaness

Cooperative TRO Clinic

Emily Goldfarb

Coalition for Immigrant and Refugee Rights and Services

Latifu Munirah

MAMA Program of the Haight Ashbury Free Clinic

Carol Newkirk

WOMAN, Inc.

CHARAN SUBCOMMITTEE MEMBERS

Technical Advisors and Community Members

Diane Chin

San Francisco Lawyers Committee for Urban Affairs

Deeana Jang

San Francisco Neighborhood Legal Assistance Foundation

Joanne Schulman

San Francisco Women Lawyers Alliance

Ken Theisen

San Francisco Neighborhood Legal Assistance Foundation

Del Martin

Coalition for Justice for Battered Women

Lynne Ogawa

Coalition for Justice for Battered Women

S.F. Domestic Violence Consortium

Edie Resto

La Casa de las Madres

Jon Rainwater

Cooperative Restraining Order Clinic

Jim Shattuck

MOVE

ACKNOWLEDGEMENTS

The Commission wishes to thank all those who participated in the Charan Case investigation and who provided the cooperation and information necessary to achieve its goal. Particularly the members of the Commission on the Status of Women's Domestic Violence Committee, and the Charan Subcommittee without who's expertise, insight, diligence, support and assistance, the Charan investigation would have been an overwhelming task to complete.

The Commission also extends a special thanks to the battered women who courageously came forward in order to improve this City's response to domestic violence.

TABLE OF CONTENTS

Dedication	i
Commission on the Status of Women.....	ii
Message: Honorable Art Agnos.....	iii
Domestic Violence Committee Members	iv
Charan Subcommittee Members	v
Acknowledgements	vi
Table of Contents.....	vii
I. Introduction: Commissioner Ito	1
II. Summary of the Murder of Veena Charan	2
III. Executive Summary	3
Communication and Coordination.....	4
Data Collection	5
Access To Services.....	5
Training.....	6
Conclusion.....	6
IV. Summary of Investigation and Findings.....	7
San Francisco Police Department	7
San Francisco District Attorney's Office	9
Adult Probation Department	10
Municipal Court, Criminal Division	11

	Family Court Services.....	12
	Department of Social Services.....	15
V.	Recommendations and Initial Responses.....	17
	San Francisco Police Department.	17
	San Francisco District Attorney's Office.....	22
	Adult Probation Department	26
	Municipal Court – Criminal Division	30
	Family Court Services.....	33
	Department of Social Services.....	37
VI.	Conclusion.....	39

INTRODUCTION

On March 22, 1990, the San Francisco Domestic Violence Consortium, a city-wide coalition of service providers assisting battered women and their children, requested the Commission on the Status of Women to conduct an investigation of the murder of Veena Charan by her husband. The Consortium hoped that the investigation would provide valuable information regarding the City's ability to respond to such cases and to identify any service gaps which might prevent such serious cases from escalating to murder.

The Commission on the Status of Women formed a Charan Case Subcommittee. This Subcommittee met arduously for over one year to examine the system's response to Veena Charan and to review specific policies and procedures on domestic violence within City departments identified in this report. This investigation involved two sets of questions and responses from all the departments which assisted Veena Charan. Subsequently, an all day public hearing on the Charan case was conducted by the Commission on the Status of Women on January 15, 1991.

With the expertise and strong commitment of the technical advisors, and the Commission on the Status of Women's Domestic Violence Committee, this comprehensive review has been completed with the exception of the final recommendations to the Family Court Services. Due to the confidentiality laws protecting the conciliation files of Family Court Services from public scrutiny, the Commission has had to invoke its subpoena power to review the records of the Charan family. To the disappointment of this Commission, the City Attorney's Office has made the decision not to process the subpoena. This decision was based on the fact that the reasons for opening the Charan family's conciliation file does not override the need to protect the confidentiality of the court records. Consequently, the information in the Family Court Services records on the Charan family will remain unknown.

At this time, I would like to thank the team of technical advisors; the Commission staff, Rosario Navarrette, with special thanks to the Executive Director, Sharon Johnson and fellow commissioners for their leadership and support to the Charan Subcommittee. I would also like to thank those city departments involved who have provided the Commission with invaluable information and opened their doors to begin working through changes to effectively respond to battered women and their children.

Finally, I would like to thank Mayor Art Agnos, who restructured the Commission on the Status of Women with authority so that we may do this valuable work.

Caryl Ito
Chairperson
Domestic Violence Committee

SUMMARY OF THE MURDER OF VEENA CHARAN

The murder of Veena Charan by her husband Joseph Charan on January 15, 1990, has raised urgent questions about the response to domestic violence in San Francisco. Mrs. Charan had sought the assistance of several governmental agencies for a period of fifteen months prior to her tragic death.

Veena Charan had been separated from Joseph Charan, had gone through Superior Court's Family Court Services and was awarded physical custody of their nine year old son. Joseph Charan had vandalized his estranged wife's home, scrawled graffiti and rammed his car through the garage door.

Mrs. Charan made numerous reports to the police. In June, 1989, Mr. Charan was cited for one of such incidents. Six months later Joseph Charan was arrested for felony wife beating and malicious mischief. On January 3, 1990, he was sentenced in Municipal Court, Department 19, Criminal Division, to 12 months in jail with the sentence suspended. He was given probation through the Adult Probation Department with the following three conditions of his probation: 1) domestic violence counseling; 2) Stay Away Order; 3) 30 days jail of which he was given 4 days credit for time served, the remainder to be served in the Sheriff's Work Alternative Program.

Veena Charan had obtained a restraining order through the civil courts. Mr. Charan violated the restraining order in San Mateo County where Veena Charan was employed and in San Francisco where she lived. He made several attempts to kidnap his son at school. It was at the school where he eventually murdered his wife in front of teachers and school children; he then committed suicide.

This case, unfortunately, is not an aberration. In San Francisco, there are close to 10,000 domestic violence calls to the police department a year. Forty percent of those calls are weapons related. A quarter of all homicides in San Francisco involved domestic violence. It is the largest single category of homicide. One third of all female homicides in California were committed by the victim's husband.⁽¹⁾ In 1989, 500 women obtained restraining orders with the assistance of the Cooperative Restraining Order Clinic, while another 552 received assistance regarding information on restraining orders.⁽²⁾

¹ Bureau of Criminal Statistics. Report of the Mayor's Task Force on the Commission on the Status of Women.

² Commission on the Status of Women 1989 Quarterly Report.

EXECUTIVE SUMMARY

The San Francisco Domestic Violence Consortium, is a city-wide coalition of service providers assisting battered women and their children. In 1990 they were alarmed by the murder of Veena Charan by her husband. Veena Charan's efforts to protect herself and her son through San Francisco's network of services that help women in violent home situations were apparent from the documentation available.

At a public hearing held March 22, 1990, on the issue of domestic violence, the San Francisco Domestic Violence Consortium requested the Commission on the Status of Women investigate the murder of Veena Charan. The San Francisco Domestic Violence Consortium hoped that the investigation would help identify any gaps in services provided by the city to battered women, so that what happened to Veena Charan would never occur again.

The Commission on the Status of Women at its regular Commission meeting of April 26, 1990 requested the staff to begin this fact finding mission. Based on the facts revealed, the Commission would later decide whether another public hearing would be in order.

The San Francisco Domestic Violence Consortium requested answers to the following questions:

- A. Do departments of the City and County of San Francisco have policies and procedures relating to domestic violence?**
 - 1. If so, what are the current policies and procedures of the city departments?
 - a. What specifically, was Veena Charan's contact with the city departments?
 - b. What services did they provide to Veena Charan?
 - c. Did the departments follow their policies and procedures in handling the Charan's situation?
 - 2. Are those policies and procedures adequate?
- B. Is there sufficient information sharing among the departments in these particular types of cases?**
- C. Is there sufficient data to evaluate the effectiveness of the system?**
 - 1. If not, what data needs to be collected to protect women like Veena Charan?
 - 2. What changes, if any, to current procedures can be adopted to avert future tragedies?

The Commission on the Status of Women's Domestic Violence Committee, chaired by Commissioner Caryl Ito, addressed the Consortium's request by creating the Charan Case

Subcommittee. Members of the Charan Case Subcommittee include members of the Domestic Violence Committee as well as other technical advisors and community members.

The Subcommittee identified six city departments which had contact with Veena Charan in the course of the last fifteen months of her life. They are:

- San Francisco Police Department
- San Francisco District Attorney's Office
- San Francisco Municipal Court – Criminal Division
- San Francisco Adult Probation Department
- Superior Court – Family Court Services
- San Francisco Department of Social Services

The Subcommittee reviewed the policies, procedures and practices in responding to battered women of the departments mentioned above. Additionally, the Commission on the Status of Women heard testimony regarding the departments at a public hearing held on January 15, 1991 on the murder of Veena Charan and their responses to battered women. The Subcommittee also reviewed written testimony submitted to the Commission that focused on the assistance and performance of the departments involved to victims of domestic violence.

It was clear through the investigation process that due to its seriousness and pervasiveness, domestic violence requires the reallocation of resources. Without adequate resources and attention this issue will continue to put battered women at risk. They would be left to suffer at the hands of their batterer in an ineffective system. The lack of understanding of the depth, seriousness and pervasiveness of domestic violence and how it impacts the work of the departments was evidenced by the lack of policies, protocols, and procedures. It was also noted that there was a lack of enforcement and monitoring of existing policies.

Through the review of the materials and testimony provided, the Subcommittee identified four major gaps:

- Communication and coordination
- Data collection
- Access to services
- Training

Communication and Coordination

The lack of communication/coordination, knowledge and understanding on how domestic violence cases are handled by each department results in confusing and inconsistent information for battered women. The Subcommittee found that there is little to no informational sharing and coordination of domestic violence cases among the departments, with the exception of the San Francisco Police Department and the District Attorney's Office. Because of their special relationship these agencies must work with one another; but are unfamiliar with how other departments serve battered women.

Critical to the intervention process is the understanding of what obstacles domestic violence victims are facing. Information on other departments and realistic expectations can result in success for the person suffering the abuse. A general understanding of how domestic violence cases are handled would not only help a client understand the process but can also prepare her for the next steps empowering her to make choices that will assist in procuring her safety. The need for collaboration and coordination of domestic violence cases in each city department is necessary. Centralized information is invaluable and will simplify efforts. A centralized computerized system would assist in the maintenance of an effective system and be cost effective in the long run.

The key to effective intervention for domestic violence cases, is cooperation between city departments. Confidentiality required by law must not be violated, however, where information can be shared without violating confidentiality, it must be done. Nonconfidential information is oftentimes refused or very difficult to attain because some departments feel it is an additional burden to involve other agencies in the cases. While this is initially true, establishing a system that facilitates this information sharing process will save time in the long run. Additionally, cross training is a valuable tool to assist departments in a new collaborative effort. Knowing how other departments handle domestic violence cases can help ease the burden.

Finally, the need for ongoing investigation of domestic violence homicides by an independent group to evaluate whether the current systems continue to protect battered women and their children is apparent. Through this body, changes and improvements to the services provided can be effected. Services to battered women and their children should not be left to the political whims of elected officials. They need to be solidly funded and monitored. The system can be improved by implementing preventative measures.

Data Collection

Information and data collection on domestic violence cases helps to identify patterns established which need to be continuously evaluated to develop programs assisting as well as documenting the need for resources. Data on the number of domestic violence cases handled by the departments ranged from very limited to none at all. Continued lack of inter-agency sharing of information and data collection results in misinformation. This void makes the systems more intimidating and inaccessible to battered women. It also makes for added confusion and inconsistent treatment and handling of domestic violence cases with inconsistent referrals to domestic violence programs for both abuser and battered women. One of the major obstacles in establishing a computer system has been the availability of funds. However, the type of information and software necessary for this large scale operation needs research and inter-agency dialogue.

Access To Services

The lack of sensitivity and understanding on multicultural and gay/lesbian issues in city departments increases the numbers of those suffering from domestic violence. Access to City services is oftentimes more difficult for these communities because of a lack of understanding and sensitivity by employees of various departments. The misunderstanding of cultural differences, language barriers and sexual orientation must not be used as an excuse by City

employees to deny full assistance to all San Franciscans. Additionally, these biases or lack of understanding, become obstacles to providing effective services.

Training

San Francisco is a culturally and racially diverse city. Written information must be translated. There is a lack of translators in the Superior Court, Civil Division, and a limited number of translators in the Criminal Division. This lack results in undue delays and misunderstandings of the agreements/court orders and proceedings. The City's diversity requires that we look at who is being served and prepare to do the best job possible by receiving ongoing training and networking with the communities that serve the different populations.

Testimony heard at the Charan public hearing highlighted how difficult, frightening, uncaring and cumbersome the current system treated battered women. Although some individuals in the departments are conscientious and caring, the investigation showed the inconsistency with which domestic violence cases are handled. Policies for continuing training on culturally specific needs of the diverse population of San Francisco needs to be developed. These policies must have a commitment from the department's administration and managers to ensure the implementation of ongoing training on these issues. This speaks to the need for a domestic violence advisory committee in each department to monitor for proper training.

Ongoing training for departmental staff regarding domestic violence is greatly needed. Without proper training, the City maintains a system that is ineffective and insensitive. The lives of battered women are at stake as a result of lack of training. Inconsistent treatment of those cases once again defeats the goal and efforts of the departments. Cooperation between city departments would allow for a more effective response that can result in saving lives as well as dollars for the city.

Conclusion

After the fact finding investigation was completed, individual discussions were held with all the City agencies with the exception of Family Court Services. It was at these individual discussions the departments reviewed the recommendations of the Subcommittee.³ Further information is outlined under each department's section in this report. It is apparent that a task force consisting of representatives of the departments and community agencies serving battered women will be necessary for the implementation of the recommendations.

The Commission on the Status of Women recognizes that the City is in a financial crisis that will make it difficult for the implementation of the recommendations requiring additional resources. The Commission understands that the City departments already maintain heavy obligations, and that some of the recommendations will initially be an additional burden to the departments. However, the Commission believes that the long range results of the implementation of the recommendations will result in saving lives, time, effort, and monies City-wide.

³Responses by the departments to the recommendations can be found under each department's section in bold print, as well as the Commission's position [if different].

SUMMARY OF INVESTIGATION AND FINDINGS

San Francisco Police Department

The San Francisco Police Department fully cooperated in the investigative process on the murder of Veena Charan. The General Work Section of the Police Department worked closely with the District Attorney's Office gathering the information requested. They put together the most comprehensive picture of the Charan family's situation. Some of the information submitted to the Commission included incident reports that were handled by other investigative units other than the General Work Section. The General Work Section not only provided those incident reports, but also the disposition of each of the cases.

The Police Department assisted the Commission in understanding the involvement of the Juvenile Division in the handling of Ronald Charan's placement after the murder/suicide.

Representatives from the Police Department's investigative units testified at the public hearing held by the Commission on January 15, 1991. The Police Department believed they did everything possible according to the policies and procedures of the Police Department. They do not believe any changes were necessary in the handling of domestic violence cases even if more resources are available. Written information and public testimony offered a conflicting perspective to the testimony presented to the Commission by the Police Department on its response to calls to domestic violence, and to the need for improvement of the Police Department's handling of domestic violence cases.

One of the primary concerns of the Subcommittee was based on the position the San Francisco Police Department took in evaluating the seriousness of the Charan family's situation. Based on the information on the incidents reports involving Joseph Charan, the General Work Section's assessment was that the case was not serious based on the lack of serious physical injury to Veena Charan and to other family members assaulted by Joseph Charan. The Subcommittee believes that had the investigator assigned to the Charan case looked at the pattern of violence established by Mr. Charan, and presented that information to the District Attorney's Office, stronger measures and responses to the situation may have prevented Joseph Charan from continuing the escalation of violence that led to the murder/suicide.

The Subcommittee was concerned with the process used for the interim placement of Veena and Joseph's son, Ronald Charan, with the paternal grandparents. Through testimony at the public hearing, it was learned that the decision of the temporary placement of Ronald Charan was based on telephone conversations with family members. The investigating officer had not gone to the paternal grandparents home during the assessment nor met any of the Charans personally, including Ronald Charan. Given the trauma suffered by Ronald Charan, his familiarity with the family, and the stability the family could provide, it was reasonable to place him temporarily with them. However, given the circumstances, a personal interview with the family and the child would ensure the safety and appropriate-

ness of the placement. The permanent placement of Ronald Charan was under the authority of the Department of Social Services thereby limiting the involvement of the Police Department.

The Commission on the Status of Women provided the Police Commission at its meeting of May 8, 1991 with copies of the draft of the final report requesting the recommendations be reviewed. The Police Commission after hearing a presentation on the Charan investigation expressed their desire to cooperate with the Commission's efforts. The Police Commission asked that the Commission on the Status of Women give the department's staff an opportunity to study the recommendations, and to return on June 5, 1991 to a public hearing of the Police Commission on the matter. At that time, the Department would respond to the recommendations. Additionally, the Police Commission understood the importance of the participation of the District Attorney's Office in these efforts and requested the Commission invite the District Attorney's Office to the public hearing in June.

On June 5, 1991, the Police Commission heard the responses to the recommendations by the department staff. The Charan report and recommendations were well received. The Police Department stated their desire to implement the recommendations and their commitment to follow through with the implementation.

The Police Commission asked for progress reports on the implementation of the Commission on the Status of Women's recommendations. The progress reports will be included in the department's quarterly reports. The first quarterly report is scheduled for September, 1991.

San Francisco District Attorney's Office

The Charan Case Subcommittee thanks the Department for their full cooperation during the investigation and for initiating steps to review and tighten their system where needed. The detailed responses and thoughtful recommendations speaks to the Department's commitment to improving services to battered women and their children.

One of the concerns was the conflicting statements between the San Francisco Police Department and the District Attorney's Office (for evaluation) in the case against Joseph Charan at the time of re-booking. The Police Department maintained they had complete information on the Charans which served as a basis for evaluating Veena Charan's situation. The District Attorney's Office stated that the information presented to the re-booking Assistant District Attorney was limited. The incident of December 11, 1989 where Joseph Charan was arrested for battery, vandalism and violation of the restraining order was the only report received. At the request of the District Attorney's Office, the General Work Section of the Police Department submitted additional incident reports involving Joseph Charan.

According to the Felony Protocol of the District Attorney's Office, prior history is one of the factors taken into account at the re-booking level. Had the Assistant District Attorney re-booking Joseph Charan been given all the background information as was provided to the Commission, it is possible the re-booking charges may have been different. The need for this information is critical to the prosecution's ability to make informed decisions on domestic violence cases. Complete information could possibly prevent further injury to battered women. This is an example of the importance of informational sharing between departments. Veena Charan's outcome may have been different had the District Attorney's Office been given all of the information.

The Commission is aware that gathering all the information on domestic violence cases will place an additional burden on the Police Department. Although this may be initially problematic, once a system is established which will facilitate the necessary information between the Police Department and the District Attorney's Office, the Commission believes it will be cost effective and life saving in the long run.

The District Attorney's Office, after reviewing the recommendations, has indicated its interest and cooperation in the implementation of the recommendations. The department has begun to make the changes that do not require additional resources and looks forward to working with all the departments in creating a system that is more effective in protecting battered women and their children.

Adult Probation Department

The Adult Probation Department responded and cooperated with the Charan investigation. The department was involved with Joseph Charan in that he was summarily granted probation (placed on probation without prior referral for investigation and pre-sentence report) on January 3, 1990. He was given a future date of January 29 to 31, 1990 to return for formal intake. Twelve days later, he committed the murder/suicide.

Concerns of the Subcommittee included the Department's lack of policies on domestic violence cases other than those on the Domestic Violence Diversion Program and lack of enforcement of those that do exist. The Department's efforts have focused on the Domestic Violence Diversion Program which they administer. Assignments of those granted formal probation depends on the results of the Department's classification system rating which determines what cases are high risk. Although probation officers have received training in other areas, it is the Commission's understanding that probation officers handling those domestic violence cases placed on the high risk caseload, are not necessarily trained specifically on domestic violence. Additionally, there are no guidelines for the monitoring and supervision specific to domestic violence cases outside of the Domestic Violence Diversion Program.

The lack of training **specifically tailored** for probation officers dealing with domestic violence cases results in inconsistent treatment of the cases. This is especially true for new probation officers who have not had any experience and who are assigned the domestic violence caseload before receiving any training specific to the issue. It is critical that knowledge and understanding of the cases is obtained due to the seriousness of these cases and the existing potential for lethality.

Through the testimony at the public hearing of January 15, 1991, the Commission learned that the monitoring of Domestic Violence Diversion cases is better than for those on formal probation who have been convicted of a more serious domestic violence crime. Meaningful supervision of batterers is critical to the prevention of recidivism and/or traumatic injury. For this reason, more resources should be devoted to those cases with reallocation of current resources.

At the Commission on the Status of Women's public hearing on January 15, 1991, the Chief of the Adult Probation Department provided testimony to the Commission on the conditions and ability of the department to provide supervision of those granted probation by the courts. The Chief of the department stated that there was a lack of resources to adequately provide supervision due to the large caseloads probation officers must manage.

The department, in response to the draft report of the Subcommittee, has begun to make changes towards improving their response to domestic violence cases. The Commission looks forward to assisting the department in developing an effective system that protects battered women and their children.

Municipal Court, Criminal Division

The Charan Case Subcommittee thanks the Court for the cooperation extended to the Commission in the Charan investigation, and for the recommendations it made which assisted the Commission's efforts to improve the current systems response to domestic violence. Those recommendations have been incorporated into the appropriate department's section.

Joseph Charan appeared before the Municipal Court, Criminal Division, Department 19 after his arrest for assaulting Veena Charan and violating the restraining order. It was in Department 19, before the Court, on January 3, 1990, that Joseph Charan pleaded guilty to those charges and agreed to the sentence imposed by the Court. Mr. Charan stated to the Court that he was repentant and would obey all laws as required by his probationary status. Two weeks later he murdered his wife and committed suicide.

The Court, in this case, set-bail and sentenced Joseph Charan based on the information and recommendations submitted by the District Attorney's Office to the Court. The Court indicated at the public hearing of January 15, 1991, that the information reviewed did not indicate the potential for lethality. The Judge expressed concerns over the inconsistency of the information being provided and the need to reform the way the criminal justice system handles batterers as well as battered women. The Judge identified where and what improvements can be made. Further, the Court stated how this case indicates the importance of information sharing and collaboration between departments handling domestic violence cases to avoid further tragedies such as the Charans from occurring.

The concerns voiced by the Judge, the Subcommittee, and individuals who testified at the public hearing, focused on the lack of training and understanding of the issue by the courts. Additionally, the need for training judges on interpretation of restraining orders became evident in the investigative process.

The testimony and recommendations by the Judge affirmed her commitment to improving the current system. Further feedback from other departments and individuals who have dealt with the Judge in Municipal Court – Criminal Division have provided proof of the Judge's intent to take domestic violence cases seriously and to review and revise the way the court handles these cases.

Family Court Services

The Charan investigation has been unable to obtain information on the Charans from Family Court Services.

Family Court Services is the agency most conversant with the Charan family's problems and the circumstances immediately preceding Mrs. Charan's death. Veena and Joseph Charan were involved with Family Court Services in the mediation of their child's custody, visitation, and support. In filing for the dissolution and requesting the temporary restraining order, Veena Charan submitted documents to the Superior Court stating the history of violence, Joseph's purchase of a weapon and her fear for her life.

State law protects the confidentiality of information gathered, and documents prepared, by the Family Court Services. In recognition of this confidentiality, the Commission endeavored to obtain answers to questions focusing on: 1) Family Court Services procedures; 2) whether those procedures were followed in this case. Answers to the questions propounded would not have elicited information of a confidential nature communicated in the process of mediation. (For example, the Commission asked Family Court Services whether Veena Charan **was offered** a separate mediation meeting in accordance with Family Court Services' policy. The Commission **did not ask** if separate mediation was offered, and, if Mrs. Charan **accepted or declined** the offer.)

The statutes creating confidentiality of Family Court Services records are designed to protect the privacy of the parties involved and to encourage potential victims to come forward and speak frankly without fear that their communications will be made public. It is therefore hard to imagine how responses to the procedurally oriented questions of the Commission would have violated either the letter or the spirit of the statutes. The statutes are designed to protect parties' confidentiality, they are not intended to protect Family Court Services agencies from public scrutiny regarding whether those agencies have adequate procedures and whether they follow those procedures.

Family Court Services strict reliance upon state confidentiality statutes has seriously frustrated this investigation. Family Court Services should be held publicly accountable for their failure to cooperate in an investigation whose sole purpose is to locate deficiencies within, and recommend improvements of, mechanisms intended to protect family members from domestic violence. In light of Family Court Services' intransigence, one solution would be to amend state law to make clear that an agency performing mediation and conciliation services must cooperate with investigations by city, state or federal agencies to the extent of providing information or access to records under circumstances in which the privacy interests of participants would not be infringed.

Information submitted to the Subcommittee by the Director of the Department focused on the general policies of Family Court Services. The Commission recognizes that San Francisco's Family Court Services is one of a few departments in the State to have a mediation model for domestic violence cases. However, it is difficult, if not impossible to ascertain how well this model is being followed without the information requested specifically on the Charans. Any answers to questions relating to the Charans was refused based on confidentiality of the conciliation files. However, even information that is public record was not submitted by Family Court Services such as public documents filed by Veena Charan in Superior Court.

The City Attorney's Office worked with the Commission to offer a number of alternatives which would allow the department to share pertinent information with the Subcommittee

without breaching any confidentiality. There was continued resistance. The Director of Family Court Services has responded by insisting that the mediation model was followed. One way to determine whether or not the model was followed is through information from women and attorneys who have been through the process with Family Court Services. Thus far, the feedback has been negative. Evidence from the public hearing held on January 15, 1991, indicated some very serious problems women faced in receiving services. A separate body, i.e. the State Judicial Council, or one developed by the courts, needs to oversee the practices of Family Court Services. The only alternative left for the Commission was to request the City Attorney to issue a subpoena for the Charan file.

The strict interpretation of the confidentiality law by Family Court Services and the necessity of the Commission on the Status of Women to pursue information through its legal process, has delayed the completion of this report. The Charan Subcommittee is disappointed by the apparent resistance by Family Court Services to answering nonconfidential questions and believes this is indicative of the lack of the department's efforts to improve the City's response to battered women and their children. The following statements and recommendations are based on the experiences of those who worked with Family Court Services and the testimony provided to the Commission at the public hearing on January 15, 1991.

The Domestic Violence Committee and Charan Case Subcommittee believe mediation is inappropriate for battered women. Mediation presumes a balance of power between the parties which does not exist when one party uses physical violence to overcome the other party. During the Commission's public hearing, Sheila Kuehl of the Women's Law Center, referred to the findings in the study done by the Judicial Council of the Courts of California on **Gender Bias in the Courts** on the dynamic established by the violent relationship. According to the study, there is an imbalance of power created when one person is abusive to another. This dynamic continues during mediation through overt and subtle threats and by intimidations according to the study. Perhaps through legislation or policies developed by the local courts, mediation can be delayed when domestic violence is indicated in order to address the violence.

Mediation conveys the message to the batterer that his actions must meet with approval. Otherwise, there would be no mediation. Even victims who have managed to overcome the imbalance of power may be viewed by mediators as uncooperative when resisting mediation or the demands of the batterer.

Although mediators believe their role is that of a neutral party, battered women who have been through mediation testified differently at the public hearing held by the Commission on the Status of Women.

Mediation oftentimes puts the battered women and child in possible danger and additional risk. An example is testimony by Edie Resto, La Casa de las Madres advocate. She had accompanied a non-English speaking battered woman for translation during mediation. Ms. Resto was not allowed to translate because the mediator was bilingual. Throughout the mediation, the husband of the battered woman threatened her if she did not agree to his terms. The mediator was not fully bilingual and was unaware of the husband's threats.

A meeting was held on May 29, 1991 with the City Attorney, Superior Court Judges, Family Court Services, and the Commission. The meeting was to determine whether the courts would make an exception to the confidentiality rule in order to have the Commission's questions answered. The judges expressed their desire to work with the Commission towards improving the court's system for battered women and thanked the Commission for the work done on the investigation. There was productive discussion regarding the gaps

identified, however, the issues surrounding confidentiality were not resolved and the exception was not discussed. At that point, the Commission requested that the City Attorney provide an opinion in writing regarding a decision to serve a subpoena. In the meantime, the City Attorney's Office made a request to the court on allowing the Executive Director of the Commission on the Status of Women and a Commissioner to review the file and complete the answers to the Commission's questions without breaching confidentiality.

The opinion was submitted to the Commission on June 21, 1991. It was the City Attorney's opinion that the Commission's request for the subpoena be denied. The City Attorney stated the overriding need to protect the confidentiality of the conciliation files. After further discussion with the Court, the Commission was denied any access to information on the Charan family file citing the need to protect the mediation process. The Commission maintains the position that the information being requested would not breach confidentiality but would assist in identifying gaps that place battered women at further risk and ways to bridge those gaps. However, without the City Attorney's Office representation, the Commission is unable to pursue the matter.

Department Of Social Services

The Department of Social Services assisted the investigation of the Charan case by offering its cooperation and willingness to scrutinize the policies and procedures in place on domestic violence. Given the death of both parents and the limited involvement with the parents of Ronald Charan, the department recognized the importance of disclosing information that would not violate the child's confidentiality and would serve the public.

The Department of Social Services assisted the Charan's after Veena Charan's death. They worked with the family to permanently place Ronald Charan with his paternal grandparents. The Department also encouraged and assisted the family in finding a therapist that was experienced and qualified to work with children who have suffered serious trauma and the loss of a parent or parents.

The Subcommittee was concerned about the placement of Ronald Charan with the paternal grandparents. Questions that were pondered included: Joseph Charan grew up in the same household; he was very violent; therefore, did Joseph Charan experience violence as a child or did he witness violence between his parents during his childhood? Would Ronald Charan also learn to use violence to control and resolve conflict as his father did? It was also the Charan Subcommittee's understanding that the maternal grandparents were interested in the custody of Ronald Charan but because they were in another country, and he had never met them, it was logical to place him in the most familiar and comfortable site, which would not upset an already seriously traumatized child.

The Assistant General Manager of Family and Children's Services for the Department of Social Services was instrumental in providing the necessary information that assisted the Subcommittee in identifying gaps in the system that could improve the department's response to battered women and their children. The Department agreed that there was a lack of specific policies for dealing with cases as that of the Charans, and a need for training of the staff in the units that respond to the calls for assistance.

One of the areas identified by the Department, was the critical need for a location and program that would provide for court ordered supervised visitation of children.

The Department met with the Commission to discuss the recommendations and have indicated their cooperation and commitment in implementation of the recommendations in order to continue to develop and improve mechanisms that protect children.

RECOMMENDATIONS AND INITIAL RESPONSES

San Francisco Police Department

1. Create a specialized Domestic Violence Investigative Unit within the General Work Section. Investigators would be rotated, trained and sensitized on handling domestic violence cases. Domestic violence cases handled by this unit would include crimes of burglary, robbery, and vandalism where domestic violence related harassment and intimidation are suspected, rather than solely a property crime.

Department's response: Reorganize the General Work Section into three units: Assault/Domestic Violence, Arson, and Fugitive. This will assure that there will be no overlapping of responsibilities nor dilution of investigative expertise. In addition, formally assign the following cases to the Assault/Domestic Violence Unit when the incident is domestic violence related: robbery, burglary, spousal rape, and malicious mischief.

Change the policy of assigning "minor domestic violence cases" back to the district stations and route them to the Assault/Domestic Violence Unit. Any potentially violent cases will therefore be available for scrutiny by our inspectors should they be inadvertently overlooked by the case assigning coordinator.

2. Research all available records of other departments in which victim/reportee was/is involved. Cases where there is reference to other law enforcement jurisdictions, contact will be made to determine the status of the case.

Department's response: Recently, Assembly Bill 1753 was passed by the State Legislature. This bill provides for a new statewide format which allows the enforcement agency having jurisdiction over the residence of the plaintiff to enter the restraining order information into a data base through CLETS. After a trial period, it is anticipated this system will be available for use by June 1991. We are coordinating efforts with the District Attorney's Office and the courts to implement this system as soon as possible.

3. Check available computerized data systems for history and possible active domestic violence cases.

Department's response: Same as Number 2.

4. Develop a policy for handling domestic violence investigations with a questionnaire documenting any prior history, potential and current problems, with a summary using the questions outlined in the General Order for assessment of those cases for domestic violence investigators.

Department's response: We are in the process of preparing a written "Victim Statement in Domestic Violence Cases Form" in order to document any prior history or potential or current problems.

5. Develop a checklist of documents and information that needs to be submitted for the District Attorney's review of the case.

Department's response: See District Attorney Form #20C (Appendix I). We are currently updating the Investigators' Check List (SFPD form 283) to be customized for use in domestic violence investigations.

6. Develop guidelines that prioritize violations of court order cases including:

- a. Assign all suspect cases to police investigators.
- b. Have inspectors contact victims rather than waiting to see if victim(s) contact the inspector for follow up on cases.
- c. Increasing the number of cases prepared for and presented to the prosecution for warrants.
- d. Increasing the frequency of police passing calls on locations where violations have occurred.

Department's response: Staffing issues (need additional resources). We do not have the manpower to contact the victim rather than waiting for the victim to contact the inspector for follow-up.

- c. Prioritize the cases we will investigate and the most severe will be assigned.
 - d. Patrol issue dependant upon patrol's availability.
7. Develop a policy that will ensure uniformity of handling cases when two court orders exist such as a temporary restraining order and a criminal stay away order.

Department's response: No conflict for Police Department.

8. Establish a policy of arresting, not citing, domestic violence offenders, including those charged under Penal Code sections 166.4, 242, and 594(a).

Department's response: See copy of Penal Code Section 853.6 (Appendix II). We are obligated under P. C. Section 853.6 to take action as outlined in that section. Most domestic violence cases will fall under the continuing offense and our policy is to arrest whenever appropriate.

9. Establish timely investigation of all domestic violence cases as a priority to ensure the victim's participation in the prosecution of the case.

Department's response: None.

The District Attorney's Office in discussions with the Commission's staff indicated that this recommendation was appropriate for the Police Department rather than the District Attorney's Office. The Police Department has not had an opportunity to respond to this.

10. Enforcement of the handing out of the referral cards needs to be monitored and reinforced with police officers. The dissemination of the referral cards are mandated by law, yet during the public hearing, testimony was heard on the failure of the responding officers to give victims the referral cards.

Department's response: Reissue the order on referral information. New, more accurate cards will be prepared.

11. Update the domestic violence referral card. The General Work Section follow-up form needs to be translated to the dialects that are on the referral card in order to ensure the understanding of what steps the victim can take.

Department's response: The Domestic Violence Referral Card (SFPD Form 142) will be updated. The card will be printed in four languages: English, Chinese, Spanish, and Tagalog.

12. Establish a better coordination and referral system for clients between the prosecutor's office, victim advocacy units, and the District Attorney's Office. These procedures will assure that a victim appearing at any of these locations will be promptly interviewed and referred when needed.

Department's response: None. As with #9, the department has not had an opportunity to respond to this.

13. Establish continuous training for police officers and dispatchers on domestic violence in order to assure a proper response to calls for assistance from battered women.

Department's response: Implementation of a domestic violence roll call video with a representative from the Commission on the Status of Women, a domestic violence inspector and Academy training staff with distribution to patrol units. Additional class time during Advanced Officer Training is being sought.

14. Establish a complaint procedure which battered women can use for reporting police officers who fail to respond to domestic violence calls before a complaint is filed with Office of Citizen's Complaints and a database to document the number of complaints.

Department's response: All officers are trained to handle domestic violence calls

promptly. A complete record of their response times are available through CAD and any violations of written procedures will be investigated by OCC.

15. Develop a computerized system for access and compatibility of other city departments handling domestic violence cases including noncriminal justice cases.

Department's response: This will be investigated by the Commission on the Status of Women. However, the Commission's position is that this will be explored through the Implementation Task Force that will include the other departments thus facilitating its feasibility.

16. Develop a simple format for the criminal court computer system (CMS) to identify cases where a restraining order or stay away order has been granted and the conditions that exist on said order.

Department's response: A standard "1029 person" will ascertain if there is a restraining order or stay away order on file and also a follow-up call is necessary to verbally verify conditions of the order. See response #2 and #3.

17. Collect data on number of domestic violence cases where there was an arrest, indicate whether the arrest was a felony or misdemeanor and the disposition of the case.

Department's response: This must be handled through the District Attorney's Office. The Police Department does not have the final disposition of cases in the computer once the initial investigation is done.

18. Develop a system of identifying domestic violence homicide cases and gather statistics on its prevalence.

Department's response: This information will be obtained by the Commission from the Homicide Section. It is readily available. Further, rough estimates by the Homicide Unit place domestic violence homicides at 25%, still the largest category of all homicides.

19. Develop protocols and guidelines for temporary placement of child/ran where a parent(s) has been seriously injured or murdered in domestic violence cases. These policies and guidelines would ensure that the officers handling the temporary placement have been trained and are knowledgeable on handling these tragic and traumatic domestic violence situations with sensitivity and care. Police officers shall call the Department of Social Services immediately on these cases. The protocols and guidelines developed by the department should be compatible to those of the Department of Social Services.

Department's response: Guidelines are in place. Police department inspectors make immediate referrals to Department of Social Services and it is their responsibility to determine the most appropriate placement for children.

20. Properly train police officers in the use, writing and obtaining of Emergency Protective Orders.

Departments response: Newly issued – see Training bulletin #9101 (Appendix III).

21. Develop a system for sharing of information between the San Francisco Police Department and:

- District Attorney's Office
- Adult Probation Department
- Sheriff's Department
- Municipal and Superior Court – Criminal Division
- Family Court Services
- Department of Social Services/Child Protective Services

Department's response: The Commission will contact the named departments to determine if such a system is feasible considering such factors as availability of information, privacy of those involved, and necessary confidentiality.

San Francisco District Attorney's Office

1. Establish victim advocacy services for misdemeanor domestic violence cases through the Family Violence Project or Victim Witness Assistance Program. These advocacy services should provide for regular victim contact including prior to arraignment, all evidentiary hearings, and sentencing.

Department's response: this is currently being explored with those units.

2. Develop effective safety plans as part of the advocacy services. The victim's assessment of the violence, past and present, will assist the advocates in identifying dangerous defendants. To the extent possible, additional contact with family members, friends, employers, and school officials who interact with victims and their children, will alert them to the real danger posed by an offender (like Joseph Charan). All parties should be encouraged to report incidents they observe. In the Charan matter, calls to school officials, for example, would have emphasized the risk of danger to Veena Charan. Such calls may well have encouraged school officials to file reports and call police when incidents occurred (there were no reports of the attempted kidnapping filed in the Charan case).

Department's response: this is limited to those clients who give permission for those contacts to be made.

3. Establish a vertical prosecution unit to handle misdemeanor domestic violence cases to provide specialized handling, including but not limited to; bail hearings, sentencing and probation revocations.

Department's response: This will require additional resources. The District Attorney's Office has experienced a 7% reduction in total staff this year resulting in larger caseloads for the Assistant District Attorney's.

4. Establish a unit which responds on a 24 hours basis to restraining order violations, makes safety assessments, interviews victims and witnesses, collects evidence, obtains arrest warrants, and apprehends suspects sought on warrants for these violations.

Department's response: This was a recommendation by the department for which funding is being sought.

5. Establish a process for contact and interview with victims, prepare written Stay Away Orders prior to arraignment, obtain and mail conformed copies advising victims how to get their orders enforced.

Department's response: This recommendation, as well as #6, is now in process with a new simplified form available.

6. Urge the criminal courts to issue written Stay Away Orders to allow for confirmation and enforcement by the police. The criminal court computer system (CMS) should have a simple format to identify cases where such an order has been entered.

Department's response: The department has developed a form that will simplify the process for disseminating written Stay Away Orders and as in #15, is researching the computer system.

7. Develop a checklist of information to be submitted to the prosecutor by the General Work inspectors.

Department response: A checklist exists that will be reviewed and revised if necessary.

8. Establish a better coordination and referral system for clients between the prosecutor's office, victim advocacy units, and the Police Department. These procedures will assure that a victim appearing at any of these locations will be promptly interviewed and referred when needed.

Department response: The Felony Protocol is in the process of being updated. This recommendation will be added to the protocol.

9. Refer all domestic violence cases, whether or not charged, to the Family Violence Project or Victim/Witness Assistance Program for follow-up and victim contact.

Department response: The District Attorney's Office has begun to implement this recommendation.

10. Review the file and interview the victim before arraignment to determine the appropriateness of a Stay Away Order. If a Stay Away Order is appropriate, the written order should be prepared for the judges signature.

Department response: Because the Police Department makes the initial contact with the victim, it is easier for this information to be passed on to the District Attorney's Office before the arraignment by the Police Department. The District Attorney's Office can carry out the recommendation at the time of intake.

11. Be prepared to present to the court an explanation of the specific facts that underlie the charges on domestic violence cases and any other facts relevant to the case the Court should be aware of before sentencing.

Department response: This is currently being done by the District Attorney's Office. However, the Department suggested that the Assistant District Attorney's be urged to request pre-sentencing reports from the Court on domestic violence cases.

12. Develop a protocol that requires the District Attorney to make arguments to increase bail, revoke bail or for non-release of the defendant while in custody, when such arguments are appropriate. Arguments should be based on the victim inter-

view, prior incident reports, and computer check of priors including any civil court documents.

Department's response: Although this is the current practice of the Department, the specifics detailed in this recommendation will be added to the revised Felony Protocol and to the Prosecutor's Manual.

13. Develop written information on the victim's right to address the court, in writing, regarding the proposed sentence, or in person at the time of sentencing. The victim should also be verbally advised of such rights.

Department's response: This information is going to be added to the Family Violence Project brochure that is being updated.

14. Establish on-going training of all personnel in the District Attorney's Office (including receptionists, telephone operators, law clerks, investigators, etc.) who deal with victims of domestic violence to assure sensitivity and correct information is being given. This training would ensure that domestic violence cases going through the system will be properly handled.

Department's response: This is being organized with the assistance of the Family Violence Project.

15. The District Attorney's Office should collect statistics on domestic violence cases including:
 - a. Dispositions
 - b. Number of arrests
 - c. Number of re-bookings
 - d. Number of cases dropped
 - e. Number of cases not charged

Department's response: This recommendation is being explored. The current computer and hardware are not capable of providing the statistics. New computers with the software that is able to gather these statistics is being researched, however, implementation may be delayed due to need for additional resources to purchase the system and the software.

16. Work with coalitions to obtain a change to Penal Code sections 273.6 and 166.4 to provide that any violation accompanied by violence, or the threat of violence, or malicious mischief, be a felony offense if:
 - a. There was more than a single violation; or
 - b. There was a single violation accompanied by violence, a threat of violence, or malicious mischief; or
 - c. There is a prior conviction for 166.4 or 273.6 within seven years, 166.4 should be amended to provide for mandatory time in custody for all viola-

tions accompanied by physical injury thus conforming penalties for 166.4 in a domestic violence context with 273.6(a) and (b).

With these changes, the lethality of restraining orders can be addressed.

17. Recruit volunteer attorneys who will assist the department in the prosecution of domestic violence cases in order to address the need for additional resources. This may be an expansion on the use of volunteer attorneys.

Department's response: Because the District Attorney's Office knows the importance of having experienced trial prosecutors handling domestic violence cases, their suggestion was to have the volunteer attorneys work on the regular cases, freeing experienced prosecutor's to handle the domestic violence cases.

18. Ensure copies of files of domestic violence cases, where probation is granted, are routed to Adult Probation Department as soon as possible for intake.

Department's response: This is now being done.

19. Develop a system for sharing of information between the District Attorney's Office and:

- San Francisco Police Department
- Sheriff's Department
- Adult Probation Department
- Municipal and Superior Court-Criminal Division
- Family Court Services
- Department of Social Services/Child Protective Services

Department's response: The District Attorney's suggested that the Board of Supervisor's Task Force would be a natural forum for this recommendation to be implemented. The Board of Supervisor's Task Force consists of representatives listed above with the exception of Family Court Services and the Department of Social Services. The task force is mandated to deal with domestic violence issues and has been operating for several years.

Adult Probation Department

1. Collect statistics on the number of domestic violence cases with a break down of felonies, misdemeanors and diversion.

Department's response: Manual count already in progress.

2. Link the computer system to be accessible and compatible with other city departments with a long term plan where domestic violence cases can be monitored for progress; Adult Probation Department will be key in this process.
3. Establish a check box on the court referral slip indicating domestic violence in order for the department to assure an intake is done immediately whether the case is a felony or misdemeanor.
4. Pre-sentence reports, in all cases where there has been a conviction after trial, should always be written by the department.

Department's response: Present practice leaves referrals for PSI to Judge's discretion as to unusual or serious concerns about the case and a need for more information prior to sentencing. The Department had to discontinue most misdemeanor PSI's in FY 88/89 due to lack of resources.

5. Establish a follow-up procedure in which the Court confirms that domestic violence probationers expeditiously begin seeing their probation officer and enter appropriate batterer's counseling programs, and how failure to comply will be handled.

Department's response: According to the Department, this is in place.

6. Develop a referral system modeled after the DUI cases (DUI has list of qualified treatment programs that are given to the defendant immediately).

Department's response: Although the Department believes this recommendation belongs in the section for the Municipal Court. The Commission on the Status of Women believes that a proactive effort by the Department would ensure that this is implemented quickly and effectively.

7. Work with the District Attorney's Office to ensure all cases referred to Adult Probation Department are accompanied by a copy of the District Attorney's file.

Department's response: The Department states that since these hearings the District Attorney's Office has agreed to furnish the Department with a copy of the arrest report.

8. Create a separate Domestic Violence Unit for felony and misdemeanor cases to ensure quality supervision and services.

Department's response: The Department states that additional resources are required to accomplish #s 8 and 9.

9. Increase probation supervision of domestic violence defendants by increasing the number of domestic violence probation officers, reducing the domestic violence caseloads, requiring progress reports, and establishing a system to identify and give priority to defendants who are especially dangerous.

Department's response: The Department states that high risk cases are managed in smaller caseloads not to exceed 100 per officer and that the domestic violence cases can be placed in those caseloads.

10. Develop a policy empowering probation officers to initiate revocation of probation proceedings.

Department's response: The Department believes that this recommendation should be deleted because a law requires that they do this and is being followed. The Commission's understanding is that it is difficult to get some probation officers to initiate proceedings when serious violations have occurred.

11. Establish training on domestic violence for probation officers for no less than 16 hours. This is especially important for those probation officers in the Domestic Violence Unit.

Department's response: According to the Department, the officers assigned to the domestic violence caseload have more than 16 hours of related training.

Commission's response: The Commission is recommending requiring more than "related" training. The training for these probation officers should be tailored to the caseload they are dealing with given the seriousness and potential for lethality. This training should include the requirements found in the SB 738, the Killea Bill. Although this is targeted for therapists, the Commission believes that the outlines are a good basis for structuring and developing an excellent training program for probation officers. A copy of the bill will be provided to the department and is available at the Commission office. Some of the requirements are listed below.

- a. A historical, legal and political analysis of the problem.
- b. The scope and dimension of the problem.
- c. A gender analysis of the problem regarding how the problem affects men and women differently
- d. The assessment of victims for the physical, behavioral, cognitive, and emotional indicators of the effects of the trauma of the domestic violence as differentiated and discriminated from preexisting medical or mental conditions.

12. Develop a risk assessment specific to domestic violence.

Department's response: Since Charan hearings, the Department has initiated an officer "override" which can move cases up to high risk maximum supervision.

13. Develop a progress report for those who fail to follow through with a referral. The criteria would require a return to court for some action such as time in jail for failure to comply. If probationer fails to follow through on referral, probation officer must contact probationer and follow-up with a referral back to court if no response by probationer. Regularly update the list of referrals to ensure quality services and appropriateness of referrals.
14. Develop specific criteria/standards for referrals to domestic violence offender treatment programs or counselors/therapists with domestic violence training.
15. Establish strong relationships with batterers treatment programs in order to be informed as to the progress of probationers and divertees and to facilitate information sharing.
16. Establish standards for domestic violence batterers programs, including length, content, and form of treatment; and use only those programs meeting those standards. The courts must also be involved in assuring that defendants receive meaningful treatment.
17. The Subcommittee recommends that the Department make the recommendation on the progress reports based on the counselors/treatment program's information on the batterer rather than limit it to six months which is the current practice. According to the Penal Code, Domestic Violence Diversion is granted to those eligible, for a minimum of six months to a maximum of two years. Studies have shown that domestic violence is a serious problem that without intervention is progressive. In order to begin to cut through the resistance and denial, counseling for one year in domestic violence cases is an appropriate recommendation. Given these facts, it appears that the minimum required by the Penal Code is just that, a minimum. However, the Department routinely recommends that batterers go to counseling for a maximum of six months.

Department's response: The Department believes that this recommendation should be deleted or placed under the Municipal Court section.

Commission's response: Based on information from treatment programs for batterers, and those who have had first hand experience with the Probation Department, it is clear that given the caseload, the Domestic Violence Diversion Program has given preference to those agencies who have a six month treatment program. This leads the Commission to believe that the length of time on the Domestic Violence Diversion Program was predetermined by the selection of the referral agency by the Department, rather than by the program or the court.

18. Establish procedures that assures contact with the victim in domestic violence cases.

The most common deficiency in the Adult Probation Department's Domestic Violence Diversion Program's suitability report, is the lack of contact with the victim. This procedure should include a process for assessing progress of a probationer, with a special effort made to determine if improper conduct has continued such as violations of restraining or Stay Away orders.

Department's response: The Department was not clear what whether the recommendation was indicating Domestic Violence Diversion cases only or those on formal probation also.

Commission's response: The Commission's recommendation was attempting to ensure that cases sent to Domestic Violence Diversion made victim contact. The Department sent a copy of the mandate for the probation officer handling these cases which detailed all of the requirements. However, for those probationers not on Domestic Violence Diversion, the Commission recommends developing a tool that would assist the probation officer in making contact with the victim as outlined above.

19. Develop and disseminate written information for victims, on procedures when violation of probation occurs. This information should include the probation officer's name and number, the supervisor's name and how to report violations to the Department and a definition of a violation of probation.
20. Develop a system for sharing of information between Adult Probation Department and:
 - San Francisco Police Department
 - Sheriff's Department
 - District Attorney's Office
 - Family Court Services
 - Municipal and Superior Court – Criminal Division
 - Department of Social Services/Child Protective Services

Municipal Court, Criminal Division

1. Establish ongoing training to all judges on domestic violence including:
 - Sensitivity training
 - How to relate to the victim (blaming the victim when the system does not work)
 - General dynamics
 - Impact on the community, family and children
 - Interplay between the criminal and civil courts handling domestic violence cases in court.
2. Require those convicted of domestic violence crimes to pay a fee (sliding scale) to the courts that would create a fund to be used specifically for domestic violence victim services.
3. Keep statistics on sentencing on domestic violence cases to include how many offenders get:
 - Work Furlough
 - SWAP
 - Domestic Violence Diversion
 - Formal Probation
 - Unsupervised Probation
 - Court Probation

The above statistics should include whether the programs were completed or not.

Jail Sentence	Early release	Parole
County Jail		% get it
State Prison		Average Parole time
		Charges are Dropped

4. Support efforts to amend the domestic violence diversion statute so that if a defendant is charged with Penal Code Section 273.5, such charge cannot be dismissed merely in order to send the defendant to diversion.
5. Support the amendment of the diversion statute which would require the defendant to enter a guilty plea that can be withdrawn and changed to a not guilty plea, and the case dismissed if diversion is successfully completed.
6. Develop an identification on the Court's file when a case is domestic violence on the face of such files.

7. Set higher bail for domestic violence cases by the Court.
8. The purpose of bail is to ensure the defendant's return for court appearances and ensure the safety of the community at large of which a victim is a member. Given that domestic violence is often repeated, the Court should consider prior history and potential for continued offenses in setting the bail schedule and bail at court hearings.
9. In cases where there is a likelihood of a repeat offense by the defendant, the defendant should not be released.
10. Schedule domestic violence cases to trial as soon as possible. They should be given priority on the trial calendar. Continuances should be avoided as much as possible.
11. Take into consideration when sentencing, that there are cases where no supervision is needed. The potential for lethality in domestic violence cases by their very nature require supervision. If the Court truly wants to have supervised probation, it should establish a review of the defendant at intervals of at least 2, 8, 12, and 24 months of probation that will include a report from the probation officer stating the defendant's progress on probation and counseling.
12. Establish an annual review of Adult Probation Department's supervision of domestic violence cases. After the annual review, if it is determined that the Department's supervision needs improving, alternatives shall be explored. Lack of resources should not be used toward fulfilling the duty of meaningful supervision to make the necessary changes.
13. Take a more active role in determining whether the sentencing recommendation of the District Attorney is indeed appropriate.
14. Disseminate referrals to domestic violence defendants on resources, urging them to utilize the available programs while not assuming any guilt on the part of the defendant.
15. Ensure a translator is available to victims whether or not the victim is scheduled to testify.
16. Establish a policy of requiring the Adult Probation Department to cover the following areas in progress reports:
 - a. Contact with victim
 - b. Progress or issues affecting progress of probationer
 - c. Recommendation for continuance in program by counselor

17. The Courts should be more active, particularly in domestic violence diversion cases, in order to assure frequent and accurate monitoring.
18. Require the Adult Probation Department to prepare pre-sentencing reports in at least all cases where there has been a conviction after a trial.
19. Release should not be considered by the Court until a pre-sentencing report has been submitted for those in custody.
20. Create a policy that requires all Stay Away Orders to be written by the District Attorney's Office.
21. Develop a system for sharing of information between Municipal and Superior Court – Criminal Division and:
 - San Francisco Police Department
 - Sheriff's Department
 - District Attorney's Office
 - Adult Probation Department
 - Family Court Services
 - Department of Social Services/Child Protective Services

Family Court Services

1. Have the State Judicial Council develop a format for auditing local Family Court Services.

Department's response: This is directed to the Judicial Council.

2. Adopt the Concurrent Resolution by Congress that states: "Expressing the sense of the Congress that, for purposes of determining child custody, evidence of spousal abuse should create a statutory presumption that it is detrimental to the child to be placed in the custody of an abusive parent."⁽⁴⁾

Department's response: I do not agree with the resolution. Spousal abuse should be considered and is considered, but no one factor should be determinative in the family system. It has been my experience that problems with these families are multi dimensional. Each family must be viewed individually.

3. Follow existing Mediation Model submitted by Family Court Services.

Department's response: The model is being followed.

Commission's response The Commission's findings are that there is no evaluation tool for determining that the mediation model is being followed other than the testimony by those who have had direct experience with the department which is addressed in the summary of this report.

4. Develop a process for ensuring the Mediation Model, guidelines, and criteria are followed by Family Court Services mediators.

Department's response: Given the fact that the model is being followed, why is it necessary to develop a process to ensure that the model is being followed?

Commission's response The Commission would like to see a procedure to concretely establish and monitor whether the mediation is being followed and to evaluate where improvements on the model can be made as well as take corrective action when necessary.

5. Develop a system for reporting violations of the procedures as mandated by Civil Code Section 4607.1 effective January 1, 1991.

Department's response: A procedure is being written for reporting violations of provisions mandated by law as well as making complaints.

⁴ H.C.R.172,[Report No. 101737], Adopted by Senate unanimously on 10/25/90.n)

6. Develop and implement an evaluation model for evaluators employed by Family Court Services or outside evaluators.

Department's response: This recommendation is being considered.

7. Establish an advocacy unit in Family Court Services for victims of domestic violence.

Department's response: The concept "advocacy unit" needs to be defined and amplified.

Commission's response The Commission would like work with the department to develop this concept.

8. Develop a written form informing the parties of their rights to separate mediation and the right to have the presence of a support person during mediation, including translating materials into other languages needed.

Department's response: A written statement informing parties of their right to separate mediation and their right to the presence of a support person during mediation has been written and is presently being revised. A plan has been devised for the translation and dissemination of said statement.

9. Encourage separate mediation when domestic violence is indicated by either party.

Department's response: Separate mediation is guaranteed by law when a protective order is in place.

Commission's response The Commission would like the department to adhere to this guarantee by allowing and supporting the parties right to invoke this option without feeling pressure to otherwise, or fear of retaliation by the mediator.

10. Provide free certified translators to parties.

Department's response: I support the recommendation, but given budgetary constraints and the City's freeze on hiring, costs make implementation at this time unlikely.

11. Develop a protocol/policy where there is a strong likelihood of violence being perpetrated by one party against the other. At a minimum the policy should consider a duty to warn:

- the other party or threatened person(s)
- the police
- person(s)/agencies familiar with parties/case (i.e., probation, parole, D.A., psychiatrist.

Department's response: Mediators follow the Tarasoff vs. Regents decision to warn individuals about whom a threat is made. Extending the warning to relevant agencies merits consideration.

12. Develop a safe system of supervised visitation in conjunction with community groups and appropriate city agencies.

Department's response: It is expected that within a matter of several weeks, St. Francis Hospital will become a site for supervised visitation ordered by the Court as well as a safe place for the transfer of children for Court ordered visitation. This program is the product of extended efforts on the part of the court, community agencies, and members of the Bar Association of San Francisco.

13. Develop criteria for referrals to treatment programs for batterers such as the criteria being developed by the Offender Subcommittee of the Board of Supervisors Task Force on Domestic violence.

Department's response: We will consider the criteria when they are developed and available to this office.

14. Provide a Domestic Violence Liaison to the San Francisco Police Department in order to maintain access to police records.

Department's response: This recommendation needs amplification and possibly could be incorporated in recommendation 15.

15. Develop a system for sharing of information between Family Court Services and:

- San Francisco Police Department
- Department of Social Services/Child
- Protective Services
- District Attorney's Office
- Adult Probation Department
- Municipal and Superior Courts Criminal Division

16. Collect data on :

- a. number of non-English speaking clients
- b. what languages are involved
- c. number of persons whose case was delayed due to lack of translator
- d. number of domestic violence victims seen per year
- e. number of cases seen per year
- f. breakdown of parties:
 1. by ethnicity
 2. ages

3. religion
4. marital status
5. economic status
6. psychiatric care
7. sex of child/ran
8. type of legal action
9. sexual orientation
10. number of parties using a support person

h. number of cases where child of same sex is placed with that parent:

1. male/male
2. female/female

i. Separate mediation; number of times:

1. offered
2. requested
3. actually occurred

17. Hire more bilingual/multicultural staff, particularly mediators and evaluators that reflect the populations served.

Department's response: I believe that this recommendation is the desire of both the office and the Court, but budgetary constraints and the City's freeze on hiring impede implementation. It should be noted that the professional staff person most recently hired was selected on the basis of not only his academic background, but also his experience in the field of domestic violence.

18. Establish ongoing training on racism, sexism, classism, ageism, and homophobia.

Department's response: 16 and 18. These recommendations will be implemented by me if directed to do so by the Court.

The final and only real issue is whether the Office of Family Court Services is performing its function with due attention to the special needs of victims of domestic violence. I was dismayed that our pioneering and ongoing efforts in this area are not only going unrecognized, but are disparaged in your report.

Department of Social Services

1. Develop policies and procedures on the handling of victims of domestic violence.
2. Establish ongoing domestic violence training for all department staff in cooperation with community groups specializing in the area of domestic violence.
3. Establish regular training on racism, sexism, classism, ageism and homophobia.
4. Adopt the Concurrent Resolution by Congress that states: "Expressing the sense of the Congress that, for purposes of determining child custody, evidence of spousal abuse should create a statutory presumption that it is detrimental to the child to be placed in the custody of an abusive parent."
5. Develop a policy for emergency response for social workers where parent(s) are seriously injured or killed. The criteria should include the following:
 - a. A trained staff available 24 hours per day (available meaning, able to go to the scene and begin assessment ASAP).
 - b. Interview child in person.
 - c. Interview party(ies) being considered for placement in person.
 - d. Check the criminal and psychiatric background of the party(ies) include interviewing teachers, counselors of child etc. to the extent possible.
 - e. Contact at least one maternal and paternal relative to the extent possible.
 - f. Not place child with the alleged abuser.
 - g. For short term placement to avoid multi-state jurisdiction conflict until long term placement has been researched and determined, we suggest the placement be in the State of California.
 - h. Temporary placement should be no longer than seven days. Where good cause exists, extensions can be determined.
6. Develop a policy for long term placement that would include:
 - a. A thorough study of the family be done before placement of child/ran.
 - b. Develop criteria for long term placement including:
 1. The history of violence of any family member.
 2. Check police, psychiatric and civil court records.

3. Counseling should be provided to child/ren.

Department's response: This policy is currently in effect.

Commission's response The Commission would encourage the department to monitor how closely this is being carried out.

- c. Develop a policy and procedures before placing child/ren with an abuser including:
 1. The abuser shall show proof of enrollment and ongoing participation in a treatment program for batterers.
 2. Regular monitoring of progress of batterer with agency providing treatment needs to be established.
 3. Make announced and unannounced visits part of the agreement for placement of child/ren.
 4. Interview child/ren separately to determine how well the situation is. In addition, where possible, interview teachers, counselors etc.
 5. Once medical confinement of victim is no longer necessary, child/ren should be returned to that parent.
 6. Encourage the court give preference to the victim when awarding custody in domestic violence situations.
 7. Consider child/ren's culture, language, ethnicity, age, and sex as factors in placement.
- d. Establish semiannual visits with the family and child for a period of 12 months once guardianship is established.

Department's response: The current law does not allow the department to be involved once the guardianship is established unless there is a child abuse referral, at which point the department would again be involved.

7. To the extent allowed under the current law, develop a system for sharing information between the Department of Social Services and:
 - San Francisco Police Department
 - District Attorney's Office
 - Adult Probation Department
 - Municipal and Superior Court-Criminal Division
 - Family Court Services

CONCLUSION

The Charan Investigation was requested by the San Francisco Domestic Violence Consortium in order to improve the response of city departments to battered women. The goal of the investigation was to document gaps in the current services using the murder of Veena Charan to identify assistance available and received, establish patterns in delivery of services and timelines, and evaluate the quality and effectiveness of the services provided. This fact finding mission was done in the spirit of cooperation with the city agencies, with the hopes of preventing further batterings and murders of women.

During the course of the investigation, other battered women were murdered with their assailants committing suicide. As long as the city and private agencies providing services to battered women fail to regularly evaluate and review how well the needs are being met, women will continue to be abused, seriously injured and murdered. Information must continually be shared with all parties who serve battered women. There must be an emphasis placed on listening to suggestions for improvements from those who have first hand experience with the trauma battered women and their children endure.

The Commission on the Status of Women believes the work towards improving the city's response to battered women is an ongoing effort. The implementation of the recommendations made by the Commission and the monitoring of those changes are critical to any efforts by city departments. The Commission on the Status of Women's final recommendation is for the formation of a task force to monitor the implementation of the recommendations in this report. The task force would consist of representation from all of the departments involved in this investigation, the Department of Public Health, the San Francisco Sheriff's Department, the San Francisco Unified School District and community based agencies. Additionally, creation of a review team to examine homicide cases related to domestic violence will evaluate the system's response to individual cases, submit reports and make further recommendations to the task force on improving the system.

U.C. BERKELEY LIBRARIES



C124903984

